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DENIS P. KELLEHER

JOHN W. DUNNE

MEMO ENDORSED

VIA FACSIMILE

November 30, 2007

Hon. Kenneth M. Karas  
United States District Judge  
Southern District of New York  
300 Quarropas St., Room 533  
White Plains, NY 10601  
Fax# 914-390-4152

RE: *United States v. Douglas Shyne, et. al.*  
S4 05 Cr. 1067 (KMK)

Dear Judge Karas:

I am the attorney for Naresh Pitambar ("Pitambar"), one of the defendants in the above-referenced indictment. I write to supplement my letter from two days ago requesting an adjournment of Pitambar's December 12, 2007 sentencing. I would request January 11, 2008 at 12PM, and I will submit my sentencing submission by December 21, 2007.

As I indicated to the Court, I am currently on trial in front of the Hon. Denise Cote in *United States v. Ali Awad, et. al.*, 06 Cr. 600 (DLC). This is a four-defendant conspiracy to import khat trial that started on November 26, 2007 with voluminous discovery and 3500 material. Obviously, I cannot predict when a verdict will be reached; however, I do not believe I will have a verdict by December 12<sup>th</sup>.<sup>1</sup> Also, the final PSR was delivered to me on November 21, 2007, and since I have been on trial, I have not been able to prepare my sentencing submission to the Court.

I have spoken to AUSA Dan Levy, and the government consents to my request. The government and I spoke to your staff, and Dawn indicated that January 11, 2008 at 12PM in White Plains is available. Dawn also gave me permission to fax this letter. Thank you for your consideration in this matter.

Grntd.  
SO ORDERED

KENNETH M. KARAS U.S.D.J.

12/1/07

Respectfully submitted,

Denis Kelleher (DK-1414)

Cc: AUSA Levy (via email)

<sup>1</sup> Judge Cote informed the jury during *voir dire* that we should be done by December 21<sup>st</sup> at the latest.